

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

BOBBY EUGENE LUCKY,

Petitioner,

v.

TRACY MCCULLUM, Warden,

Respondent.

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Case No. CIV-15-1033-M

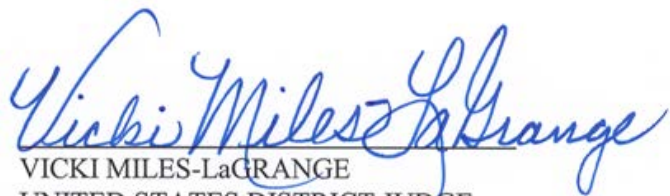
ORDER

On November 4, 2015, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended that the Petition for a Writ of Habeas Corpus be dismissed without prejudice to refiling. Petitioner was advised of his right to file an objection to the Report and Recommendation by November 23, 2015. A review of the file reveals no objection has been filed.

Having carefully reviewed this matter de novo, the Court:

- (1) ADOPTS the Report and Recommendation [docket no. 8] issued by the Magistrate Judge on November 4, 2015;
- (2) DISMISSES the petition for a writ of habeas corpus without prejudice for failure to exhaust available state court remedies.

IT IS SO ORDERED this 23rd day of December, 2015.


VICKI MILES-LAGRANGE
UNITED STATES DISTRICT JUDGE